CWP No. 1480 of 2007

06.12.2007 Present: Mr. G.C. Gupta, Senior Advocate with Mr. Mohinder Gautam, for the petitioner.

CWP No. 1480 of 2007:

This petition is directed against the award of learned Motor Accident Claims Tribunal Kinnaur at Rampur Bushahr. It is well settled law that in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India this Court will not interfere with the award passed by the learned Motor Accident Claims Tribunal unless the award is perverse or against the settled position of law.

The only grounds of challenge in this petition are that the evidence in respect of negligence has not been properly appreciated and that this is a clear case of contributory negligence. It has also been urged that the amount of compensation granted is highly excessive and that the multiplier 16 used is against law laid down by the Apex Court.

We have gone through the award. We find that the learned Motor Accident Claims Tribunal has considered the evidence led by both the sides while deciding the issue of negligence. The finding recorded by the learned Tribunal is on the appreciation of the evidence led before it. The appreciation may be right or wrong but it is definitely not perverse.

As far as quantum of compensation is concerned, the income tax return of the deceased for one year has been

proved on record in which the income is shown to be Rs.7659/-. It has also come on record that the deceased was a contractor and had just purchased a car. Therefore, the income assessed by the learned Tribunal at Rs.6000/- cannot be said to be excessive. Even the multiplier of 16 used is reasonable keeping in view the age of the deceased which is only 31 years and the age of the two children is 9 years and 10 months. There is no merit in the writ petition, which is dismissed.

CMP No. 2384 of 2007:

In view of the orders passed in the main petition, this application has become infructuous.

(Deepak Gupta), A.C.J.

December 6, 2007 **(V.K. Ahuja), J.**
(BSS)